

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>JAMES GILLIAM, Individually And On Behalf Of All Others Similarly Situated,</p><p style="text-align: right;">Plaintiff,</p></div><div style="width: 10%; text-align: center;">)</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p style="text-align: center;">vs.</p><p>FIDELITY MANAGEMENT AND RESEARCH COMPANY, et al.,</p><p style="text-align: right;">Defendants.</p></div><div style="width: 10%; text-align: center;">)</div></div>))
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)	Civil Action No. 04cv11600 (NG))
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<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>BOGATIN FAMILY TRUST, Individually And On Behalf Of All Others Similarly Situated,</p><p style="text-align: right;">Plaintiff,</p></div><div style="width: 10%; text-align: center;">)</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p style="text-align: center;">vs.</p><p>FIDELITY MANAGEMENT AND RESEARCH COMPANY, et al.,</p><p style="text-align: right;">Defendants.</p></div><div style="width: 10%; text-align: center;">)</div></div>))
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)	Civil Action No. 04cv11642 (NG))
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<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>GHASSAN J. AWALI et al., Individually And On Behalf Of All Others Similarly Situated,</p><p style="text-align: right;">Plaintiff,</p></div><div style="width: 10%; text-align: center;">)</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p style="text-align: center;">vs.</p><p>FIDELITY MANAGEMENT AND RESEARCH COMPANY, et al.,</p><p style="text-align: right;">Defendants.</p></div><div style="width: 10%; text-align: center;">)</div></div>))
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)	Civil Action No. 04cv11709 (MLW))
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**NOTICE OF FILING OF
THE *GILLIAM* PLAINTIFFS' MOTION
TO INTERVENE AND TO STAY ALL PROCEEDINGS**

WILLIAM S. GROESCHEL, Individually And On)	
Behalf Of All Others Similarly Situated,)	
)	
Plaintiff,)	
)	Civil Action No. 04cv11735 (GAO)
vs.)	
)	
FIDELITY MANAGEMENT AND RESEARCH)	
COMPANY, et al.,)	
)	
Defendants.)	
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DAVID O. FALLERT, Individually And On Behalf)	
Of All Others Similarly Situated,)	
)	
Plaintiff,)	
)	Civil Action No. 04cv11812 (MLW)
vs.)	
)	
FIDELITY MANAGEMENT AND RESEARCH)	
COMPANY, et al.,)	
)	
Defendants.)	
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The *Gilliam* Plaintiffs,¹ by their counsel, hereby notify this Court that today, December 8, 2004, they filed Motions to Intervene and to Stay All Proceedings in the actions captioned *Bennett v. Fidelity Management and Research Co.*, No. 04-cv-11651 (MLW) and *Haugen v. Fidelity Management & Research Co.*, No. 04-cv-11756 (MLW) along with a Memorandum of Law in Support Thereof, and a [Proposed] Order Granting Intervention and Staying All

¹ The *Gilliam* Plaintiffs consist of the plaintiffs in the following five cases: *Gilliam v. Fidelity Management & Research Co.*, No. 04-cv-11600 (NG); *Bogatin Family Trust v. Fidelity Management and Research Co.*, No. 04-cv-11642 (NG); *Awali v. Fidelity Management and Research Co.*, No. 04-cv-11709 (MLW); *Groeschel v. Fidelity Management and Research Co.*, No. 04-cv-11735 (GAO); and *Fallert v. Fidelity Management and Research Co.*, No. 04-cv-11812 (MLW) (collectively these five cases will be referred to as the “*Gilliam* Plaintiffs”).

Proceedings. The Motions seek a stay of proceedings in the *Bennett* and *Haugen* actions until after the adjudication of the pending Motions to Consolidate all seven (7) cases.

Dated: December 8, 2004

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Joseph F. Martingano, Michael S. Mendolia,
Patricia K. Munshaw, Brian D. Reese, Jay J.
Rupp, Gilbert P. Travis, Jewel R. Travis and David
O. Fallert*

CERTIFICATE OF SERVICE

I, Daniel P. Dietrich, hereby certify that I served a copy of the within Notice of Filing of The *Gilliam* Plaintiffs' Motion to Intervene and to Stay All Proceedings upon counsel for all parties by facsimile this 8th day of December, 2004.

/s/ Daniel P. Dietrich

Daniel P. Dietrich